

ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996





Immigration plays a vital role in the economic and social fabric of our state and our nation. California is home to nearly 40% of all legal immigrants in the United States. It is also estimated that anywhere from 1.6 to 2.3 million *illegal* immigrants reside in California. These figures have an enormous impact on our economy, our health care and education systems, and our law enforcement resources both at the border and on our streets.

In this era of ever-shrinking budgets, the issue of how we handle the flow of immigrants into our country, both legal and illegal, has moved to the forefront of social and political debate. Some very important steps have been taken by the Federal and State governments to address these issues: stopping illegal immigration where it starts -- at our borders; determining what social and emergency services should be available to those in this country illegally; and reviewing our legal immigration policies to see that they remain realistic and sustainable over time.

The result is the **Illegal Immigration Reform and Immigrant Responsibility Act of 1996**, bipartisan legislation passed by Congress in 1996 to:

- ◆ **Strengthen our borders** by doubling the number of border patrol agents and upgrading equipment and infrastructure along the border;
- ◆ **Begin reimbursing states and public hospitals** for the costs of detaining or providing emergency care to illegal immigrants;
- ◆ **Curb the production and use of fraudulent documents** used by illegal immigrants to get jobs and receive social benefits; and
- ◆ **Stop employers from hiring illegal workers** through fines and pilot programs to help verify a person's eligibility to work.

As California's United States Senator and a member of the Senate Judiciary Subcommittee on Immigration, I played an active role in drafting many of these reforms. This booklet will inform you on the issue and summarize the Illegal Immigration Reform and Immigrant Responsibility Act.

A handwritten signature in blue ink that reads "Dianne Feinstein".

ILLEGAL IMMIGRATION: *IMPACT ON CALIFORNIA*

It is estimated that more than half of all illegal immigrants in the United States live in California. According to U.S. Census Bureau reports, that adds up to more than 2 million people. Illegal immigration is a costly problem for the country as a whole, but the impact is especially hard on California. **Illegal immigration will cost California an estimated \$3.6 billion** in the 1995-96 fiscal year alone.

SCHOOLS and HOSPITALS:

- ◆ The Governor's Office reports that California spends \$2.66 billion a year to educate, incarcerate and provide medical services for undocumented residents.
- ◆ In 1994-95, California schools served an estimated 392,000 undocumented immigrant children in grades K-12.

JAILS:

- ◆ Fifteen percent of California's State prison population, nearly 20,000 inmates, are illegal immigrants convicted of crimes. This population is five times as large as in any other state;
- ◆ Incarcerating illegal alien felons costs California \$375 million each year, according to the California Legislative Analyst's Office.

Proposition 187

California voters voiced their frustration with the huge costs of illegal immigration with passage of Proposition 187 in 1994. Proposition 187 would deny all non-emergency medical and social services to undocumented immigrants, including education, and would require teachers and doctors to report suspected illegal immigrants to immigration authorities.

A Federal Court declared the initiative unconstitutional and its provisions have not been enforced pending the outcome of legal challenges.

ILLEGAL IMMIGRATION: SECURING OUR BORDERS

Senator Feinstein first raised the issue of illegal immigration in June of 1993, more than three years before the Illegal Immigration Reform and Immigrant Responsibility Act became law. As a member of the Senate Judiciary Subcommittee on Immigration, Senator Feinstein worked vigorously to address this issue by working to strengthen our borders and increase funding for the U.S. Border Patrol, including:

- ◆ **40% more Border Patrol agents** since 1993, including funding for 1,150 new border patrol agents in the 1994 and 1995 fiscal years, an additional 800 more agents were assigned to the Southwest border in 1996 -- more than 500 of these agents in San Diego alone;
- ◆ **\$83 million to establish a national immigration data base linking** all information on aliens who have entered the country;
- ◆ **\$59 million for new Border Patrol checkpoints** and new Border Patrol stations;
- ◆ **Vast improvements in technology and equipment along the border,** such as the most modern motion detection systems, five miles of new lighting in San Diego and miles of new fencing to control illegal immigration, drug trafficking and alien smuggling.



Senator Feinstein with Border Patrol agents demonstrating night vision goggles along the San Diego border.

THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996

On September 30, 1996, President Clinton signed a broad immigration reform package into law, which included many proposals by Senator Feinstein to stop the flood of people entering the United States illegally and tighten legal immigration laws. Specifically, the Illegal Immigration Reform and Immigrant Responsibility Act:

STRENGTHENS OUR BORDERS

Doubles the number of Border Patrol agents by adding 1,000 new agents every year for the next five years. Since 1993, Border Patrol forces along the Southwest Border - the busiest land border crossing area in the world - has increased by 50%, resulting in increased apprehensions. In one month alone, apprehension of illegal immigrants rose 60% at the Southwest Border.

Improves equipment and infrastructure at the border by funding \$12 million in new technologies such as motion sensors and all-terrain vehicles, building a three-tiered fence where appropriate, along the border, and paving new roads in one of the most highly-traveled and difficult to patrol areas of the Southwest Border.

DETERS ILLEGAL ENTRIES AND EXPEDITES DEPORTATION OF CRIMINALS

Toughens penalties for illegal entries or attempts to enter into the United States illegally and makes high-speed flight from an INS checkpoint a felony punishable by up to five years' imprisonment.

Expedites the removal of illegal criminal aliens and makes those previously removed from the United States inadmissible for five years, or up to 20 years if the person is an aggravated felon. The legislation also funds 150 new agents to crack down on immigrant smuggling.

REIMBURSES FOR COSTS OF ILLEGAL IMMIGRANTS

Begins reimbursing states and public hospitals for the costs of detaining or providing emergency care to illegal immigrants. California, for example, has had to shoulder billions of dollars in costs to jail and provide emergency services to people in the country illegally.

TARGETS FAKE DOCUMENTS & EMPLOYERS SANCTIONS

Curbs the production and use of fraudulent documents used by illegal immigrants to get jobs and receive social benefits by increasing the maximum penalties for producing, assisting in the production, and selling false documents from five to 15 years imprisonment.

Reduces the number of documents that can be used to establish a person's employment eligibility or identity, and sets security standards for key identification documents such as birth certificates and drivers' licenses to prevent fraud and counterfeiting.

Cracks down on employers who hire illegal workers by adding 150 INS investigators to enforce current hiring laws and implement fines for violating those laws.

Establishes three pilot programs to help employers in five of the highest-impact states verify an applicant's eligibility to work, including California.

CRACKS DOWN ON VISA OVERSTAYS

Estimates are that more than half of all illegal immigrants in the United States are a result of visa overstays. The Illegal Immigration Bill addresses this important issue for the first time.

The Act dedicates 300 new INS investigators to make sure people in the United States on visas do not ignore their departure date. The legislation also establishes an automated entry and exit control system to match arriving and departing aliens and those who overstay their visas.

OPERATION GATEKEEPER: *TARGETING ILLEGAL ENTRIES*

The Clinton Administration's **Operation Gatekeeper** was launched in October 1994 as a pilot program using new technology and resources to stop illegal immigration at the international border along San Diego, specifically in San Ysidro - the busiest land border crossing in the world. Operation Gatekeeper has paid off for the San Diego-Mexico border:

BORDER PATROL

- ◆ Border Patrol has doubled to 2,000 agents since 1993; checkpoints at San Clemente and Temecula are now fully staffed 24-hours a day; and a new boat patrol was established to target aliens attempting to enter the U.S. from sea;

NEW TECHNOLOGY

- ◆ Underground sensors to track illegal border crossings have been installed, as has an automated fingerprint identification system at every checkpoint and port of entry in San Diego to identify criminal aliens as they cross the border. The system has already found more than 1,300 criminal aliens in San Diego;

DRUG INTERDICTION

- ◆ More than 30 tons of drugs valued at \$90 million have been seized in San Diego and drug smugglers have been apprehended in record numbers since Operation Gatekeeper began.

APPREHENSIONS

- ◆ These new resources mean more Border Patrol agents and better technology on the border, enabling INS to stop illegal border crossers:
- ◆ Apprehensions of illegal immigrants rose 66% along the entire 2,000-mile Mexican border in January, 1996, compared to the same time last year (from 102,037 apprehensions in January, 1995 to 169,457 apprehensions in 1996);
- ◆ Apprehensions increased 102% in East San Diego County in 1996;
- ◆ Border Patrol in San Diego apprehended an average of 1,890 people a day, up 51 percent from the same time last year.

LEGAL IMMIGRATION

Nearly 23 million foreign-born immigrants now live in the United States, the highest rate since World War II. More than a third -- about 8 million -- live in California, comprising a quarter of the state's total population. In addition, more than half of all immigrants who receive federal benefits live in California, with nearly 300,000 legal immigrant noncitizens in California receive Supplemental Security Income. As state and federal budgets get tighter, funds for public assistance programs become increasingly scarce, affecting both citizens and non-citizens alike.

New limits on public benefits provided to legal immigrant non-citizens were established by the Welfare Reform Bill and Illegal Immigration Bill:

- ◆ **Sponsors of immigrants are held financially responsible** for the immigrants through a legally binding affidavit of support. Sponsors must agree to support the immigrant or reimburse the government for any public benefits the immigrant uses. All family-based immigrants and employment-based immigrants coming to work for relatives must have affidavits of support filed for them. Sponsors must also have an income of 125% above the poverty level to guarantee the ability to support an immigrant.
- ◆ **A sponsor's income is considered when a legal immigrant applies for public benefits.** Incomes of both the immigrant and sponsor will be used to determine the immigrant's eligibility for needs-based assistance programs. This will apply until the immigrant either becomes a naturalized U.S. citizen or works a minimum of approximately 10 years.
- ◆ **Limits illegal immigrant's eligibility for non-emergency assistance** to certain public health, nutrition, and community-based assistance programs.
- ◆ **Emergency medical aid** is still available to all immigrants, regardless of legal status.



America's immigration policies must strike a balance between the opportunities and challenges we face as a nation, honoring our history as a Nation of immigrants and reflecting our values as a Nation of laws.

The effort we make today to develop policies that are sustainable over time will determine whether the United States and California can provide the classrooms, housing, health care and jobs necessary to support a growing population. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is an important step toward achieving this goal.



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